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21 Ryder Integrated Logistics, Inc.

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 Jim Swain,

25 Plaintiff,

26 v.

27 Ryder Integrated Logistics, Inc. and
28 DOES 1 through 10, inclusive,

Defendants.

CASE NO. 3:10-cv-04192-CRB

**JOINT STIPULATION AND ORDER
REGARDING MEDIATION AND CASE
MANAGEMENT CONFERENCE**

Pursuant to 28 USC §1447(C), the only parties that have appeared in this action, Plaintiff Jim Swain (“Plaintiff”) and Defendant Ryder Integrated Logistics, Inc. (“Defendant”), through their respective counsel, hereby jointly stipulate and request that the Court change the date of the Case Management Conference in the above-captioned matter from its current date of March 18, 2011 to July 22, 2011. The parties further stipulate and request that the new Case Management Conference date be treated as the initial Case Management Conference date for the purpose of calculating the deadline for meetings between counsel, initial disclosures, and reports to the Court pursuant Rule 26.

This stipulation is made and entered into by the parties on the following basis:

- 1) On February 22, 2011, pursuant to the stipulation of the parties, this Court ordered that the parties complete a private mediation no later than July 18, 2011.
- 2) The parties have scheduled a mediation before JAMS mediator Joel Grossman for June 17, 2011.
- 3) The parties have agreed to exchange the following discovery in advance of the mediation:
 1. No later than May 6, 2011, Plaintiff will provide to Defendant all non-privileged documents in his possession custody or control that relate in any way to his employment with Defendant or his claims in this matter.
 2. No later than March 15, 2011, Defendant will provide Plaintiff with a list identifying each facility it has operated in California since August 13, 2006 and, to the extent available, information for each facility showing the average total number of hourly employees at that facility, the average number of warehouse employees at that facility, the average number of driver employees at that facility, and the dates during which that facility maintained time and meal break records in an electronic format (if any).
 3. No later than April 1, 2011, Plaintiff will provide Defendant with a list of paper time records, identified by facility and time period, which Plaintiff will use as a representative sample of the available written time records.

The sample shall be of the minimum size that Plaintiff's expert determines is necessary to constitute a representative sample. Upon request, Plaintiff will provide a written statement from his expert confirming that the requested sample is of the minimum size necessary to constitute a representative sample.

4. No later than May 1, 2011, Defendant will provide Plaintiff with all time and meal break records for the period between August 13, 2006 and April 1, 2011 that are stored in an electronic format.
5. No later than May 1, 2011, Defendant will provide Plaintiff with the sample of written time records requested by Plaintiff..
6. No later than May 1, 2011 Defendant will provide Plaintiff with all employee handbooks in effect for the class period, as well as any policies not contained in the employee handbooks related to meal and rest break policies.

4) Defendant represents that as of this date, Defendant has not made any payments pursuant to California Labor Code §226.7. On that basis, Plaintiff will withdraw his Special Interrogatories 7 and 8.

5) No later than May 1, 2011, Defendant will provide Plaintiff with a list of pay rates for all putative class members.

IT IS HEREBY STIPULATED:

The parties stipulate and respectfully request the Court order as follows: the Case Management Conference in the above-captioned matter is hereby changed from its current date of March 18, 2011 to July 22, 2011. That the new Case Management Conference date shall be treated as the initial Case Management Conference date for the purpose of calculating the deadline for meetings between counsel, initial disclosures, and reports to the Court pursuant Rule 26. The parties shall exchange pre-mediation discovery as described herein.

DATED: March 7, 2011

LITTLER MENDELSON
MICHELLE HEVERLY
KEITH JACOBY

By: /s/ Michelle Heverly
Michelle Heverly
Attorneys for Defendant
RYDER INEGRATED LOGISTICS, INC.

DATED: March 7, 2011

THE GRAVES FIRM
ALLEN GRAVES

By: /s/ Allen Graves
Allen Graves
Attorneys for Plaintiff
JIM SWAIN

ORDER

It is so ordered.

DATED: March 7, 2011

By: _____

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